

REMARKS

Claims 1-7 are pending in the present application.

The rejections of: (a) Claims 1-2 and 4-6 under 35 U.S.C. §102(e) over Nakayama et al - US (U.S. 6,767,853), and (b) Claims 1-2 and 4-6 under 35 U.S.C. §102(b) over Nakayama et al - EP (EP 1067234)¹ is traversed.

At the outset, Applicants note that Nakayama et al - EP is the European counterpart to Nakayama et al - US. Therefore, these references suffer the same deficiencies with respect to the claimed invention, which are highlighted below.

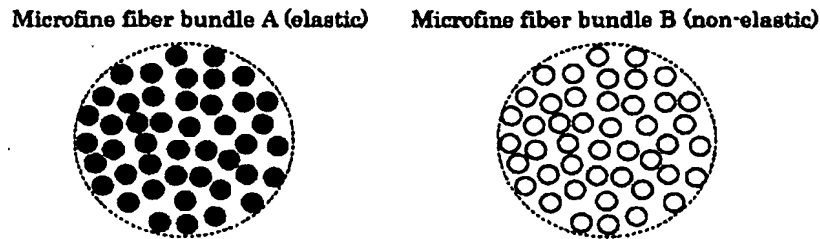
Applicants respectfully disagree with the Examiner's allegation that either Nakayama et al - EP or Nakayama et al - US disclose a leather-like sheet substrate as defined in the present invention. Claim 1 of the present invention is drawn to

A leather-like sheet substrate comprising a fiber-entangled nonwoven fabric that comprises a microfine fiber bundle (A) and a microfine fiber bundle (B) in a blending ratio (A)/(B) of 30/70 to 70/30 by mass and a polymeric elastomer contained in the fiber-entangled nonwoven fabric, the microfine fiber bundle (A) comprising 10 to 100 microfine fibers each of which has a single fiber fineness of 0.5 dtex or less and which are made of an elastic polymer having a JIS A hardness of 90 to 97, and the microfine fiber bundle (B) comprising a microfine fiber which has a single fiber fineness of 0.5 dtex or less and which is made of a non-elastic polymer.

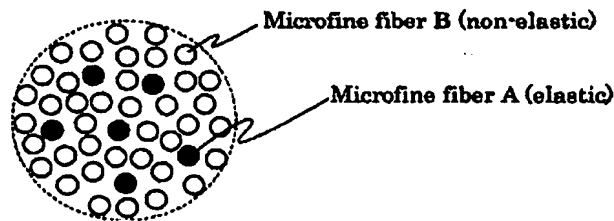
From the text of Claim 1 it is clear that the claimed leather-like sheet substrate is composed of *two kinds* of fiber bundles: the elastic fiber bundle (A) made of elastic microfine fibers and the non-elastic fiber bundle (B) made of non-elastic microfine fibers. The elastic fiber bundle A is formed from the microfine fiber-forming fiber A' which contains an elastic polymer as the island component (page 16, lines 9-12). The non-elastic fiber bundle B is formed from the microfine fiber-forming fiber B' which contains a non-elastic polymer as the

¹ Improperly identified as Takeshi et al in the Office Action mailed November 27, 2006.

island component (page 16, lines 26-27). Therefore, the claimed elastic fiber bundle (A) and non-elastic fiber bundle (B) could be illustrated as follows:



In contrast, *each fiber bundle* of disclosed in Nakayama et al – EP and Nakayama et al – US is composed of elastic fibers A *and* non-elastic fibers B, in which each elastic fiber A is encircled by the non-elastic fibers B (column 3, lines 28-45; column 4, lines 7-9; etc.). Therefore, the fiber bundle disclosed in Nakayama et al – EP and Nakayama et al – US could be illustrated as follows:



The fiber bundle disclosed in Nakayama et al – EP and Nakayama et al – US is formed from a microfine fiber-forming fiber which contains both an elastic polymer and a non-elastic polymer (Example 1, etc.). Therefore, a single fiber bundle disclosed in Nakayama et al – EP and Nakayama et al – US contains both the elastic microfine fibers and the non-elastic microfine fibers. In fact, in each fiber bundle of disclosed in Nakayama et al – EP and Nakayama et al – US, each elastic fiber A is required to be encircled by the non-elastic fibers B. Again, the Examiner is reminded that in the presently claimed invention each elastic fiber is encircled by other elastic fibers in each of the claimed elastic fiber bundles (A).

Applicants submit that the claimed invention is clearly distinct from the disclosure of

Nakayama et al – EP and Nakayama et al – US at least in view of the structural differences in the fiber bundles. Therefore, neither Nakayama et al – EP nor Nakayama et al – US can anticipate the claimed invention as these references fail to disclose all the limitations of the claimed invention.

Applicants note that there are a few allegations made by the Examiner that require comments. First, on page 9, lines 5-6 of Office Action, the Examiner alleges:

“According to claim 1 of current application, there is no claim of two kinds of fiber bundles.”

However, Applicants submit that Claim 1 states that the fiber-entangled nonwoven fabric comprises a microfine fiber bundle (A) and a microfine fiber bundle (B). The claim further defines the structural composition of each of these two types of bundles. Thus, the plain language of Claim 1 does clearly include two kinds of fiber bundles.

Second, when referring to Claim 7, on page 9, line 6 from the bottom et seq., the Examiner alleges:

The claimed application... makes no reference as to how the microfine fibers (A) or (B), microfine fiber bundles (A) or (B) are arranged or entangled in their "fiber-entangled nonwoven fabric."

Applicants submit that in the present invention, the microfine fibers and the microfine fiber bundles are not directly entangled. Instead, the microfine fiber-forming fibers A' and B' are entangled. Then, the microfine fiber-forming fibers A' and B' are respectively converted in the subsequent step to the entangled bundles A composed of the elastic microfine fibers A and the entangled bundles B composed of the non-elastic microfine fibers B.

Finally, on page 10, lines 4-6, the Examiner alleges:

This language does not specifically state how (A') and (B') become bundles before they are blended. Once the web is formed, (A) and (B) are both present together.

As described in Claim 7, the microfine fiber-forming fibers A' and B' are converted to

the bundles in the step 6, not before they are blended. Therefore, the web formed in the step 3 contains the microfine fiber-forming fibers A' and B' which are precursors for the bundles of the microfine fibers. To make this step clearer, step (3) of Claim 7 has been amended.

From the foregoing, Applicants again submit that the leather-like sheet of the present invention is clearly distinguished from the fibrous substrate of Nakayama et al – EP and Nakayama et al – US at least with respect to the structure of bundles. Therefore, Applicants submit that the claimed invention is not be anticipated by Nakayama et al – EP and Nakayama et al – US.

In view of the foregoing, Applicants request withdrawal of the rejections over the disclosures of Nakayama et al – EP and Nakayama et al – US.

The rejections of Claim 3 over: (a) Nakayama et al - EP (EP 1067234)² in view of Minami et al, and (b) Nakayama et al - EP (EP 1067234)³ in view of Kato et al, each under 35 U.S.C. §103(a) are respectfully traversed.

As discussed above, the present invention and Nakayama et al - EP (EP 1067234) are clearly distinguished from each other at least in the structures of fiber bundles. The Examiner cites Minami et al and Kato et al as showing the incorporation of powder into the entangled nonwoven substrate is known. Applicants make no statement with respect to the alleged disclosures of Minami et al and Kato et al, but note that each of these references is completely silent about the claimed elastic fiber bundle (A) and non-elastic fiber bundle (B). As such, Minami et al and Kato et al fail to remedy the basic deficiency of Nakayama et al - EP (EP 1067234). Therefore, even if the skilled artisan were to combine the disclosure of

² Improperly identified as Takeshi et al in the Office Action mailed November 27, 2006.

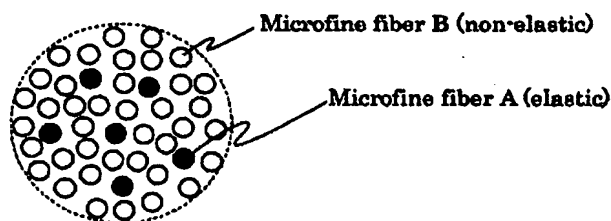
³ Improperly identified as Takeshi et al in the Office Action mailed November 27, 2006.

Nakayama et al - EP (EP 1067234) with either Minami et al or Kato et al the present invention would still not be apparent or obvious.

In view of the foregoing, Applicants request withdrawal of these grounds of rejection.

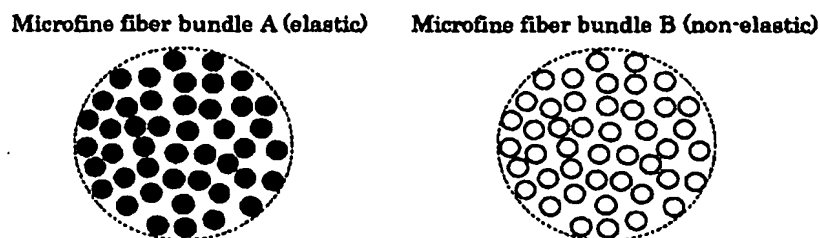
The rejection of Claims 1, 2, and 4-6 under the doctrine of obviousness-type double patenting over Claim 1 and 15 of Nakayama et al - US (U.S. 6,767,853) is respectfully traversed.

Applicants refer the Examiner to the discussion above with respect to the differences in the structure defined in the leather-like sheet substrate of the claimed invention and the fibrous substrate defined in Nakayama et al - US. Specifically, the Examiner is reminded that the structure defined the claims of Nakayama et al - US is best illustrated as:



Therefore, a single fiber bundle in Nakayama et al - US contains both the elastic microfine fibers and the non-elastic microfine fibers. In fact, in each fiber bundle in Nakayama et al - US each elastic fiber A is required to be encircled by the non-elastic fibers B.

In contrast, the presently claimed elastic fiber bundle (A) and non-elastic fiber bundle (B) is illustrated as follows:



Unlike the structure defined in Nakayama et al – US, the presently claimed invention each elastic fiber is encircled by other elastic fibers in each of the claimed elastic fiber bundles (A).

In view of the foregoing, Applicants submit that this ground of rejection should be withdrawn. Acknowledgement to this effect is requested.

The rejection of Claims 4 and 6 under 35 U.S.C. §112, second paragraph, is obviated in part by amendment and traversed in part.

Applicants submit that the terms "suede-finished" and "grained leather-like sheet" are well recognized in the art and generally used without specific definition. As such, Applicants submit that these terms do not render the claims indefinite. Nevertheless, in deference to the Examiner's view, Claims 4 and 6 have been amended to specify that the suede-finished leather-like sheet is obtained by raising the microfine fibers on a surface of the leather-like sheet substrate and that the grained leather-like sheet is obtained by forming a resin film on a surface of the leather-like sheet substrate.

In view of the present amendments, Applicants request withdrawal of this ground of rejection.

The rejection of Claims 2 and 5 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Applicants have amended Claim 2 based on the disclosure at page 13, line 27 to page 14, line 3 to define the allegedly indefinite and relative term "partially stick." Further, the term "substantially" has been deleted from Claim 5.

In view of the foregoing, it is requested that this ground of rejection be withdrawn.

Finally, with respect to the non-elected method claims, Applicants remind the Examiner that MPEP §821.04 states:

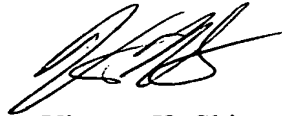
...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Accordingly, upon a finding of allowability of the elected product claims, Applicants respectfully request rejoiner of the withdrawn process claims that depend therefrom.

Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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